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In re Application of  
POPPE et al  
Application No.: 10/595,519  
PCT No.: PCT/EP2004/052920  
Int. Filing Date: 08 November 2004  
Priority Date: 17 November 2003  
Attorney Docket No.: PAT-01156  
For: OLIGOMERS . . . USE THEREOF

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DECISION

This decision is in response to applicants' renewed petition under 37 CFR 1.182 filed in the USPTO on 23 September 2009.

**BACKGROUND**

On 08 November 2004, applicants filed international application PCT/EP2004/052920 which designated the United States and claimed a priority date of 17 November 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 02 June 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 17 May 2006.

On 25 April 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee and an Application Data Sheet (ADS).

On 06 October 2008, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/903) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 12 January 2009, applicants filed a declaration of inventors along with a petition/fee for a two-month extension of time.

On 28 January 2009, the DO/EO/US issued a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating, *inter alia*, that there was a difference in names of the last inventor between the published international application (Dunja MIKOLAJETZ) and the declaration of inventors filed 12 January 2009 (Dunja KOPPEN).

On 03 April 2009, applicants filed a submission which was accompanied by, *inter alia*, a petition/fee for a four month extension of time. The submission was properly treated as a petition under 37 CFR 1.182.

On 23 June 2009, a decision was issued dismissing without prejudice applicants' petition under 37 CFR 1.182.

On 23 September 2009, applicants filed the instant renewed petition under 37 CFR 1.182 which was accompanied by, *inter alia*, a petition/fee for a one-month extension of time and a statement by Dunja Koppen.

### **DISCUSSION**

In instances where an inventor has changed his or her name after the application has been filed, a petition under 37 CFR 1.182 must be submitted. The petition must include (1) the appropriate petition fee and (2) a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order.

As to item (1), as noted in the decision issued 23 June 2009, the petition fee has been paid.

Item (2) has now been met as well. The statement of Dunja Koppen is a statement setting forth both names (Dunja Mikolajetz and Dunja Koppen) and the procedure (marriage) whereby the change of name was effected. The statement is accepted.

#### **Declaration of Inventors**

The declaration of inventors filed 12 January 2009 is in compliance with 37 CFR 1.497(a)-(b).

### **CONCLUSION**

For the reasons set forth above, the petition under 37 CFR 1.182 is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

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